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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MICHAEL DICKENS,
15 Defendant.
16

CASE NO. 1:20-cr-219 JLT-SKO

STIPULATION TO CONTINUE
STATUS CONFERENCE; ORDER

DATE: December 6, 2023
TIME: 1:00 p.m.
JUDGE: Hon. Sheila K. Oberto

17 **STIPULATION**

18 The United States of America, by and through its counsel of record, and defendant, by and
19 through his counsel of record, hereby stipulate as follows:
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21 1. By previous order, this matter was set for status conference on September 6, 2023, at
22 1:00 p.m.

23 2. By this stipulation, the parties now move to continue the status conference as to
24 defendant Michael Dickens for **December 6, 2023, at 1:00 p.m.** before Judge Oberto, and to
25 exclude time between the date of this stipulation and December 6, 2023, under 18 U.S.C. §§
26 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

27 3. The parties agree and stipulate, and request that the Court find the following:
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1 a. Defendant Dickens was previously represented by defense counsel who has since
2 withdrawn from the case and retired from the practice of law. Dickens' current defense counsel,
3 who filed an appearance in this case on or about June 27, 2023, has received discovery in the case
4 and is reviewing that material. Defense counsel needs additional time to review this discovery,
5 communicate with their client and conduct further investigation before deciding whether to pursue
6 case resolution or trial.

7 b. By previous Court order, time was excluded under the Speedy Trial Act, 18 U.S.C. §
8 3161, et seq., through and including September 6, 2023. The parties also request that time be
9 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., from the date of this stipulation
10 through and including December 6, 2023, to allow the defendant to continue to consult with counsel,
11 to review discovery, and conduct further investigation.

12 c. Counsel for defendant believes that failure to grant the above-requested
13 continuance/time exclusion would deny him the reasonable time necessary for effective preparation,
14 taking into account the exercise of due diligence.

15 d. The government does not object to, and agrees to, the continuance/time exclusion.

16 e. Based on the above-stated findings, the ends of justice served by continuing the case
17 as requested outweigh the interest of the public and the defendant in a trial within the original date
18 prescribed by the Speedy Trial Act.

19 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
20 seq., within which trial must commence, the time period of the date of this stipulation to December
21 6, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and
22 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendant's
23 request on the basis of the Court's finding that the ends of justice served by taking such action
24 outweigh the best interest of the public and the defendant in a speedy trial.
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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of
2 the Speedy Trial Act dictate that additional time periods are excludable from the period
3 within which a trial must commence.

4 IT IS SO STIPULATED.

5 DATED: August 30, 2023

6
7 /s/Mark A. Broughton
8 MARK A. BROUGHTON
 Counsel for Defendant
 MICHAEL DICKENS

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10 DATED: August 30, 2023

11 /s/ Henry Z. Carbajal III
12 HENRY Z. CARBAJAL III
 Assistant United States Attorney

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14 **O R D E R**

15 IT IS SO ORDERED. Status conference is set for December 6, 2023, at 1:00 p.m. For the
16 purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial
17 must commence, the time period of the date of this stipulation to December 6, 2023, inclusive, is
18 deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(i) and
19 (iv) because it results from a continuance granted by the Court at defendants' request on the basis of
20 the Court's finding that the ends of justice served by taking such action outweigh the best interest of
21 the public and the defendant in a speedy trial.
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25 DATED: 8/30/2023

Sheila K. Oberto
26 SHEILA K. OBERTO
 UNITED STATES MAGISTRATE JUDGE